

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE:

Chapter 13 Case Administration

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Standing Order 07-5

**GENERAL ORDER FOR ADMINISTRATION OF
CHAPTER 13 CASES FILED ON OR AFTER JULY 1, 2007**

The United States Bankruptcy Court for the Southern District of Illinois has determined that the Chapter 13 practice will be more effectively administered, and both creditors and debtors will benefit, by implementation of the following procedures for Chapter 13 cases filed on or after July 1, 2007.

1. **ADOPTION OF UNIFORM CHAPTER 13 PLAN:**

Attached hereto as Exhibit 1 to this General Order is the Court's new Uniform Plan, which is **mandatory** for all Chapter 13 cases filed on or after July 1, 2007. Debtors are strictly prohibited from altering either the form or the language of the Uniform Plan without leave of Court. The Chapter 13 Plan form is available to the public at the Benton and East St. Louis offices of the U. S. Bankruptcy Clerk and on the Court's website at www.ilsb.uscourts.gov.

2. **INTERIM DISBURSEMENTS BY THE CHAPTER 13 TRUSTEE, INCLUDING
ADEQUATE PROTECTION PAYMENTS UNDER 11 U.S.C. SECTION 1326(a)(1)(C).**

Following the Section 341 Meeting of Creditors, the Chapter 13 Trustee shall commence disbursement of payments from funds received from, or on behalf of, the Debtor(s), as follows:

Any unpaid filing fee due to the Clerk;
Trustee's fees and expense allowance, including noticing fees;
Payments to the following creditors:

- a. On-going mortgage payments pursuant to the Debtor(s)' Plan;
- b. Secured creditors for which a proof of claim is on file provided that (i) the Debtor(s)' plan provides for treatment of said claim; (ii) said claim is not listed as contingent, unliquidated or disputed in the Debtor(s)' schedules; and (ii) there is no pending objection on file to the payment of the claim; and
- c. attorney's fees as set forth in the Debtor(s)' plan.

3. **PLAN PAYMENTS:**

Plan payments due under the Debtor(s)' plan shall commence within thirty (30) days of the commencement of the case. Absent Court approval, Debtor(s) are required to submit to a

wage withholding order for all payments due under the terms of their Chapter 13 plan except in those circumstances in which the Debtor(s)' sole source of income is: (i) social security benefits; (ii) retirement funds; (iii) unemployment benefits; (iv) self employment; or (v) family assistance.

4A. ON-GOING MORTGAGE PAYMENTS:

All on-going mortgage payments, beginning with the first regular mortgage payment due after the commencement of the case, shall be paid by the Chapter 13 Trustee through the Debtor(s)' plan if any arrearage exists in said payments (i) at the time of the commencement of the case; or (ii) at the time of any Plan amendment.

4B. PAYMENT OF MORTGAGE ARREARAGES:

Prior to the completion of the Debtor(s)' case, a party in interest may seek a determination by the Court concerning the sufficiency of the payments made to a creditor in satisfaction of any pre or post-petition mortgage payments. Unless the Court determines otherwise, pursuant to an appropriate motion or other pleading, an Order granting the Debtor(s) a discharge in their case shall serve as a conclusive determination that all defaults with respect to any claim dealt with in the Plan are "cured" within the meaning of 11 U.S.C. Section 1322(b)(5), as of the date of the final payment to the creditor by the Trustee.

4C. ADJUSTMENTS IN ON-GOING MORTGAGE PAYMENTS:

If the holder of a mortgage claim is authorized, pursuant to the underlying Note and Deed of Trust/Mortgage, to adjust the amount of the regular contractual installment payment due to a change in the interest rate, or for an escrow payment of insurance and/or taxes, the holder of said claim shall file with the Court written notice of the "adjusted amount," with copies forwarded to the Debtor(s) and, if not served electronically, Debtor(s)' counsel and the Trustee.

Within twenty (20) days of the filing of such an "adjusted amount" by the holder of a mortgage claim, the Debtor(s) may dispute the same by filing the appropriate motion seeking Court review of the proposed adjustment. Absent the filing of such an objection, the Trustee is authorized to commence disbursement of the "adjusted amount" without further notice.

5. MOTIONS FOR RELIEF FROM THE AUTOMATIC STAY OF 11 U.S.C. SECTION 362 AND 1301 WHEN LEASES OR MORTGAGES ARE BEING PAID DIRECTLY BY THE DEBTOR(S):

If the Debtor(s) are making direct on-going post-petition payments to the lessor or mortgagee pursuant to paragraph 4(A) above, and the lessor or mortgagee subsequently seeks relief from the automatic stay based upon an alleged default in such direct payments by the Debtor(s), the parties shall comply with the following requirements:

- a. the parties shall exchange any and all documentary evidence concerning the post-petition payment history of the Debtor(s) at least five (5) days prior to the preliminary hearing on the Motion for Relief;

- b. the parties shall have such evidence available at the preliminary hearing for presentation to the Court;
- c. failure to comply with the requirements of sub-paragraphs (a) and (b) may result in the Court taking such action as it deems appropriate, which may include the granting or denying of the relief sought in the Motion for Relief.

6. SERVICE OF THE PLAN:

Notwithstanding any provision of the Local Rules, the Chapter 13 Trustee shall be responsible for serving a copy of the original plan, as filed with the Clerk of the Court, on all creditors listed in the Debtor(s)' Schedules, provided that said Plan is filed simultaneously with the Petition. The Debtor(s), or their counsel, shall be responsible for serving any plans not filed simultaneously with the Petition, as well as all amended plans.

7. FILING OF PAYMENTS ADVICES PURSUANT TO 11 U.S.C. SECTION 521(a)(1)(B)(iv):

Copies of all payment advices, or other evidence of payment, received by the Debtor(s) from any employer(s) of the Debtor(s) within sixty (60) days prior to the date of the filing of the bankruptcy petition shall not be filed with the Court unless otherwise ordered. Such documents shall be provided to the Chapter 13 Trustee, and to any creditor who timely requests copies of such payment advices, or other evidence of payment, at least **seven (7)** days before the time of the initially scheduled first Meeting of Creditors pursuant to 11 U.S.C. § 341. To be considered timely, a creditor's request must be received at least fifteen (15) days before the first date set for the Meeting of Creditors.

Creditors seeking copies of tax returns (or transcripts, if applicable) of the Debtor(s) pursuant to 11 U.S.C. Section 521(e)(2)(A)(ii) must make their request at least fifteen (15) days before the first date set for the Meeting of Creditors.

8. BAR DATE FOR FILING OBJECTIONS TO CLAIMS:

Any objection to a timely filed unsecured claim must be filed within thirty (30) days following the expiration of the claims bar date for that claim. Objections to secured or amended claims must be filed not later than thirty (30) days from the claims bar date, or the filing of the claim, whichever is later.

9. SIGNATURES:

Debtor(s) and counsel for Debtor(s) are required to sign any and all Chapter 13 Plans prior to the same being filed with the Court. Additionally, Debtor(s)' counsel shall maintain the original document(s) containing the Debtor(s)' "wet" signature(s) in accordance with this Court's Standing Order 02-1, *Order Adopting Electronic Case Filing Procedures*.

10. DISCHARGE:

Pursuant to General Order 07-04, *Motion for Discharge in Chapter 13 Cases*, Debtors who are eligible to receive a discharge must file a Motion and Notice to all creditors and parties in interest, pursuant to 11 U.S.C. Section 1328 and FRBP 2002(f), setting forth their eligibility for discharge. Said Motion and Notice must be filed within twenty (20) days of the filing of the Chapter 13 Trustee's "Report of Plan Completion, Request for Termination of Wage Order and Notice Concerning Discharge."

11. EFFECTIVE DATE:

This Order is effective as of July 1, 2007, and shall apply to all Chapter 13 cases filed on or after that date.

This Order shall be available to the public at the Benton and East St. Louis offices of the U. S. Bankruptcy Clerk and on the Court's website at www.ilsb.uscourts.gov.

IT IS SO ORDERED.

ENTERED: May 30, 2007

/s/ Kenneth J. Meyers
UNITED STATES BANKRUPTCY JUDGE